

ZB# 95-25

KWG Realty Corp.

9-1-23.1

Prelim.

June 12, 1995.

Copy of:

① Deed ✓

② Title ✓

③ Fees. ^{Letter out - 7/1/95} ① 150.00 ✓

② 500.00 ✓

④ Photos ^{7/7/95, 4} notice to send

Public Hearing:

August 14, 1995

Area Variance

for sign
approved
4-0.

Refund: * 362.50

95-25- KWG Realty Corp.

Signs for new
Bldg.

9-1-23.1

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14724

Received of K. W. V. Realty Corp. July 7 1975

One Hundred Fifty and 00/100 \$ 150.00

For Zoning Board Variance Fee #95-25 DOLLARS

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CD#1089</u>		<u>150.00</u>

By Dorothy H. Harper

Town Clerk

Title

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: KWG Realty Corp.

FILE # 95-25

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 150.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

*paid
CKs 1089
1090
7/7/95*

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	<u>6/12/95 - 7 pages</u>	\$ <u>31.50</u>
2ND PRELIM. MEETING - PER PAGE	<u>8/14/95 - 8 pages</u>	\$ <u>36.00</u>
3RD PRELIM. MEETING - PER PAGE		\$
PUBLIC HEARING - PER PAGE		\$
PUBLIC HEARING (CONT'D) PER PAGE		\$
TOTAL		\$ <u>67.50</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING-	_____	HRS.	<u>6/12/95</u>		\$ <u>35.00</u>
2ND PRELIM.	_____	HRS.	<u>8/14/95</u>		\$ <u>35.00</u>
3RD PRELIM.	_____	HRS.			\$
PUBLIC HEARING	_____	HRS.			\$
PUBLIC HEARING	_____	HRS.	(CONT'D)		\$
TOTAL HRS.		_____	@ \$ _____	PER HR.	\$
TOTAL					\$ <u>70.00</u>

MISC. CHARGES:

_____	TOTAL	\$ <u>137.50</u>
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LESS ESCROW DEPOSIT . . .	\$ <u>500.00</u>
(ADDL. CHARGES DUE) . . .	\$
REFUND TO APPLICANT DUE .	\$ <u>362.50</u>

(ZBA DISK#7-012192.FEE)

[illegible]

THIS CHECK IS IN FULL PAYMENT OF THE FOLLOWING			
DATE	AMOUNT		
TOTAL OF INVOICES			
LESS			
AMOUNT OF CHECK			

1090
 7/7 19 85 ⁵⁰⁻²³⁵219 **611**

K.W.G. REALTY CORP.
 P.O. BOX 2628
 NEWBURGH, NY 12550

PAY TO THE ORDER OF Town of New Windsor \$ 500.
Five hundred and 00/100 DOLLARS

THE BANK OF NEW YORK
 280 BROADWAY, NEWBURGH, N. Y. 12550

MEMO Escrow deposit #95-25. J. M. X. M.

BY STYLE 10 "001090" :021902352: "6800583959"

THIS CHECK IS IN FULL PAYMENT OF THE FOLLOWING			
DATE	AMOUNT		
TOTAL OF INVOICES			
LESS			
AMOUNT OF CHECK			

1089
 7/7 19 85 ⁵⁰⁻²³⁵219 **611**

K.W.G. REALTY CORP.
 P.O. BOX 2628
 NEWBURGH, NY 12550

PAY TO THE ORDER OF Town of New Windsor \$ 150 7/100
One hundred Fifty and 00/100 DOLLARS

THE BANK OF NEW YORK
 280 BROADWAY, NEWBURGH, N. Y. 12550

MEMO Variance fee (sign) #95-25 J. M. X. M.

BY STYLE 10 "001089" :021902352: "6800583959"

-----X
In the Matter of the Application of

K.W.G. REALTY CORP.

DECISION GRANTING
AREA
VARIANCES

#95-25

-----X
WHEREAS, K.W.G. REALTY CORP., request for variations of Section 48-18H of the Supplementary Sign Regulations to include more than one freestanding sign on a lot, more than one facade sign on building, and a facade sign greater than 3.5 ft. x 10 ft. for the S. G. Kimball, Inc. building located at 24 Windsor Highway in a C zone; and

WHEREAS, a public hearing was held on the 14th day of August, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Frank Gallagher for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject property is a commercial property located in a neighborhood of commercial properties.

(b) The subject property is a considerable distance from the main highway and there is no way for a person traveling on the main highway to know of the existence of this business except by signage.

(c) The size of the building makes a sign in the authorized size appear to be inappropriately small.

(d) The variances if granted would allow signage on the building which would give it a balanced look, which is better than the look with only the permitted town sign.

(e) The roadway going to the building will not interfere in any way with the traffic to and from any of the other buildings.

(f) The additional signage here will not have any effect on any of the other properties.

(g) This signage does not make snowplowing or maintenance of the road more difficult in any way.

(h) The signage will not increase or affect the traffic in any way.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The variances requested are substantial but are nevertheless warranted because of the unique layout and construction of the site.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created but nevertheless should be granted because of the unique needs of the property and because granting of these variances will have no other adverse impact or effect.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT


RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT variations of Section 48-18H of the Supplementary Sign Regulations to include more than one freestanding sign on a lot more than one facade sign on building, a facade sign greater than 3.5 ft. x 10 ft. for the S. G. Kimball, Inc. building located at 24 Windsor Highway in a C zone, as sought by the applicant in accordance with plans filed with

the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: October 23, 1995.


Chairman

(ZBA DISK#13-101795.KWG)

Date 9/6/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Francis Roth 147 Sycamore Dr DR.
New Windsor NY 12553

DATE	CLAIMED	ALLOWED
8/14/95	Zoning Board Meeting	75 00
	Misc. 2	
	Correr - 8	
	Perez - 4	
	McB - 7	
	Rhodes - 8	
	K.W.G. - 5 22.50	
	<u>34</u>	<u>153 00</u>
		<u>228 00</u>

~~K.W.G. REALTY CORP.~~

Mr. Frank Gallagher appeared before the board for this proposal.

MR. NUGENT: Request for variation of Section 48-18H of Supplementary Sign Regulations to include more than one freestanding sign on a lot, more than one facade sign on building, a facade sign greater than 3.5 ft. x 10 ft. for the S. G. Kimball, Inc. building located at 24 Windsor Highway in a C zone.

MR. GALLAGHER: Everybody will remember from the first meeting nothing has changed. One of the things you were looking for from me tonight was the title and the deeds and I just supplied that to you. I have pictures that was also one thing that was requested. This is a series of five shots, the first shot is right out in front of the front gate, a distance of 560 feet back to the building way back here. View number two is just inside the front gate. Now the distance is 480 feet back to the front of the second building in this picture. Number three is by the front of the truck showroom now we have gone to 340 feet distance back to the new Kimball building. Number two or number four is just passed the truck showroom and now we're 240 feet and the final shot view number five it's a distance of 120 feet back. So we started at the road, kept on going in about 100 foot each time.

MS. BARNHART: For the record, I have an affidavit of service by mail signed by myself stating that I sent out on July 7, 1995, 24 addressed envelopes containing legal adds to all properties owners.

MR. KRIEGER: And the record should reflect definitely that there are no spectators, nobody wishing to speak on this matter.

MR. REIS: How many letters?

MS. BARNHART: 24.

MR. NUGENT: Got one back from C.P. Mans, no appearance necessary, no opposition, that is the next door

neighbor.

MR. GALLAGHER: That is the nicest thing he's said to me in 20 years. I also have the full property plan here, if you want me to pass that around, I can certainly.

MR. NUGENT: I made a site visit.

MR. KANE: I know the site, too, I have been there.

MR. NUGENT: Matter of fact, you were picking weeds.

MR. GALLAGHER: You saw the corporate weed committee at work.

MR. LANGANKE: Looking at these pictures, you have a sign on the building now, how big is this sign that is on there right now?

MR. GALLAGHER: What's the size?

MR. KANE: 2 1/2 by 10?

MR. GALLAGHER: Yeah, that is about right. This building is a 114 feet wide so you can see what the standard town sign looks like.

MR. LANGANKE: And it's only noticeable in the last picture.

MR. GALLAGHER: 120 feet away.

MR. NUGENT: You can hardly read it when you get up close in the parking lot.

MR. GALLAGHER: You notice the style of the signs on the showroom which was another sign variance I went through, it's kind of balanced, our name is in the middle and our logos of Peterbuilt and GMC are on the other side and we're following that kind of look, the name in the center and what we do on either side, machine shop service, automotive parts. So it's a pretty simple statement, you know, no fireworks, no flashing lights, just who we are, what we do.

MR. LANGANKE: Are you sure the one that you are asking for is big enough?

MR. GALLAGHER: Well, we're asking for 16 feet. There's two things that we're asking for. First there's road side signs which is on the second page. Hopefully, that is going to snare 'em off the highway and then at the end of this island right here, there are directory signs and one direction truck repair in this direction, truck sales in this direction and S.G. Kimball in this direction. So it is kind of a three-legged stool, if you will, right in this area here by the existing chain link fence right inside this will be the roadside sign, hopefully that will be noticed. When you come in, you hopefully will see the directory sign which is not subject to these proceedings here to direct you back and by the time you get to hopefully the back of the truck showroom, you'll then notice the larger signs which are about double that size but there's a lot of hoping in anything you do in business.

MR. KRIEGER: That is what business is about.

MR. GALLAGHER: Yeah, right.

MR. LANGANKE: I like it. I think it's a really--

MR. NUGENT: Very nice looking building, well done.

MR. GALLAGHER: The road helped a lot on that lot.

MR. LANGANKE: Your pictures are very helpful here, very good idea.

MR. NUGENT: Any other questions? Do we make a note nobody is here?

MR. KRIEGER: I put that in the record.

MR. NUGENT: I'll accept a motion.

MR. KRIEGER: Just for the record, it's a commercial neighborhood, all the buildings around there are

commercial, correct?

MR. GALLAGHER: Yes.

MR. KRIEGER: This roadway going to the building won't interfere in any way with the traffic to and from any of the other buildings?

MR. GALLAGHER: It enhances it. Doesn't do much for snow plowing, makes snow plowing more difficult, our snow plowing.

MR. KRIEGER: Your own site but doesn't affect any other properties?

MR. GALLAGHER: No.

MR. KRIEGER: Doesn't make their snow plowing more difficult. Do you expect if it works out as you hope, what kind of impact would this have on the traffic in the area?

MR. GALLAGHER: Well, it's not going to change any of the traffic on Route 32 but hopefully, more of it will be turning into our property.

MR. KRIEGER: Won't increase, significantly increase the amount of traffic on the adjacent roadway?

MR. GALLAGHER: No.

MR. KRIEGER: Okay, that is all.

MR. NUGENT: Accept a motion.

MR. KANE: Mr. Chairman, I move that we grant the request for variance for S. G. Kimball located on 24 Windsor Highway.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE

August 14, 1995

33

MR. REIS
MR. NUGENT

AYE
AYE

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

Rec'd. ZBA
7/25/95 (PAB)

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 25

Request of K.W.G. Realty Corp.

for a VARIANCE of the Zoning Local Law to permit:

1) More than one (1) freestanding sign on a lot. 2) More than one (1) facade sign on the building. 3) Facade sign greater than 3.5 ft. X 10 ft.
being a VARIANCE of Section 48-18H - Supp Sign Regs.

for property situated as follows:

24 Windsor Highway, New Windsor, NY

known as tax lot Section 9 Block 1 Lot 23.1.

SAID HEARING will take place on the 14th day of August, 19 95, at New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

7/21/95 no appearance necessary. No opposition.

MANS PROS. Realty
R. Mans

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

KWG Realty Corp.

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

95-25.

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On July 7, 1995, I compared the 24 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
7th day of July, 1995.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984066
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

Prelim.
June 12, 1995
95-25

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 22, 1995

APPLICANT: K.W.G. REALTY CORP.
24 WINDSOR HIGHWAY
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: MAY 17, 1995

FOR (BUILDING PERMIT): FOUR (4) SIGNS

LOCATED AT: GALLAGHER TRUCK
24 WINDSOR HIGHWAY

ZONE: C

DESCRIPTION OF EXISTING SITE: SECTION 9, BLOCK 1, LOT 23.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. MORE THAN ONE (1) FREESTANDING SIGN ON A LOT.
2. MORE THAN ONE (1) FACADE SIGN ON THE BUILDING.
3. FACADE SIGN GREATER THAN 3:5FT. X 10FT.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE C

USE 48-18 H

SIGN

FREESTANDING

1

1

FACADE SIGNS

3

2

FACADE SIZE

3 1/2FT.X 10FT.

1 1/2FT.X 6FT.8 IN.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF
APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises..... K. W. G. Realty Corp.
Address..... Rt 325. New Windsor Phone..... 914-565-7700
Name of Architect..... N/A
Address.....
Name of Contractor..... Mid Hudson Neon
Address..... Russell Rd

State whether applicant is owner, lessee, agent, architect, engineer or builder

Owner

If applicant is a corporation, signature of duly authorized officer.

F. X. Murphy, Treas

(Name and title of corporate officer)

1. On what street is property located? On the West side of Windsor Highway (Rt 32)
(N.E. or W.)
- and feet from the intersection of
2. Zone or use district in which premises are situated Commercial Is property a flood zone? Yes..... No ☒
3. Tax Map description of property: Section 9 Block 1 Lot 231
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Vehicle & Parts Sales b. Intended use and occupancy same
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other Signs (4)
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot? No
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating Plant: Gas..... Oil..... Electric/Hot Air..... Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost..... Fee.....
(to be paid on this application)
11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer -

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

J. M. X. M., Treas P.O. Box 2628
Newburgh NY 12550

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.

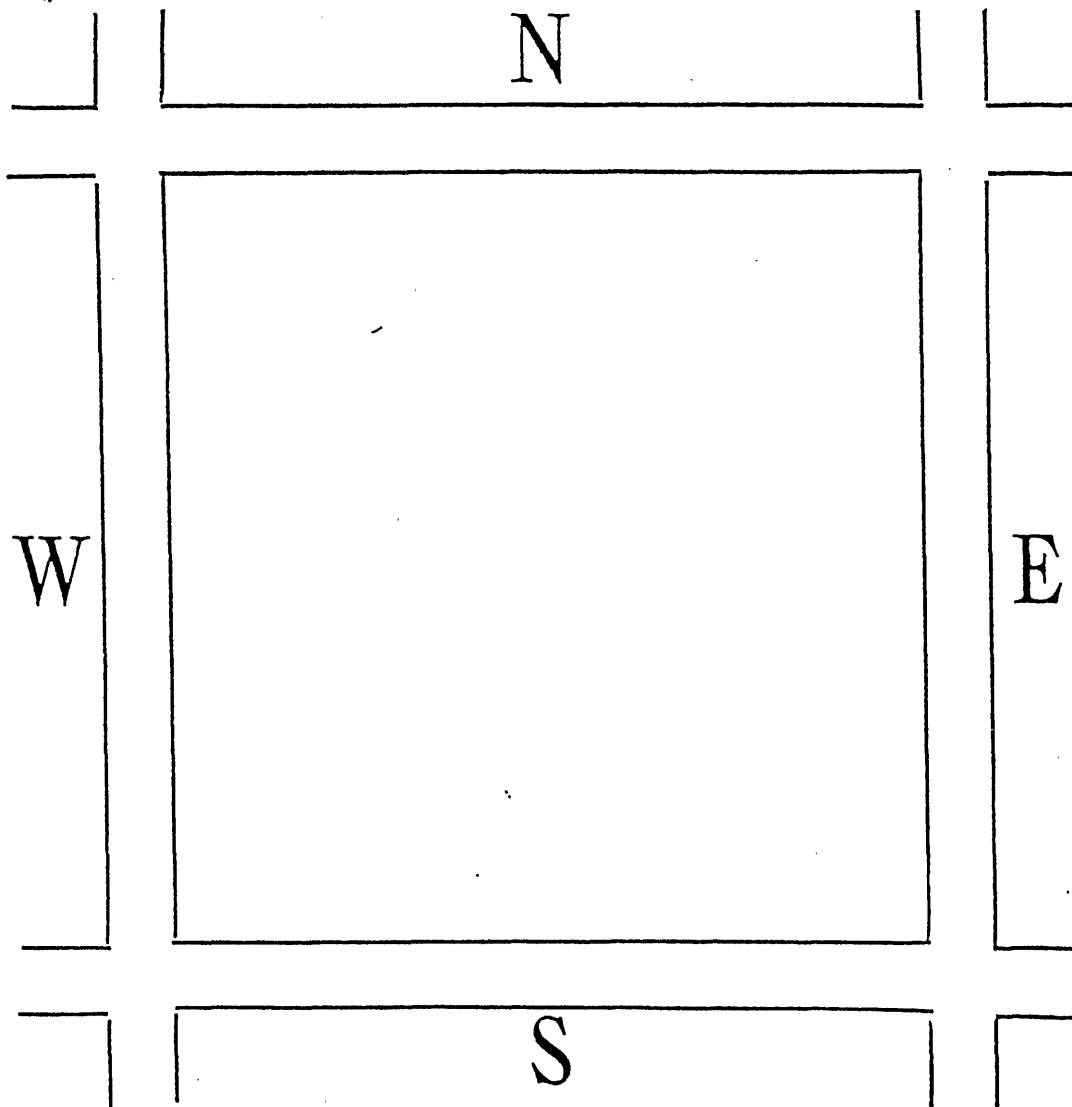
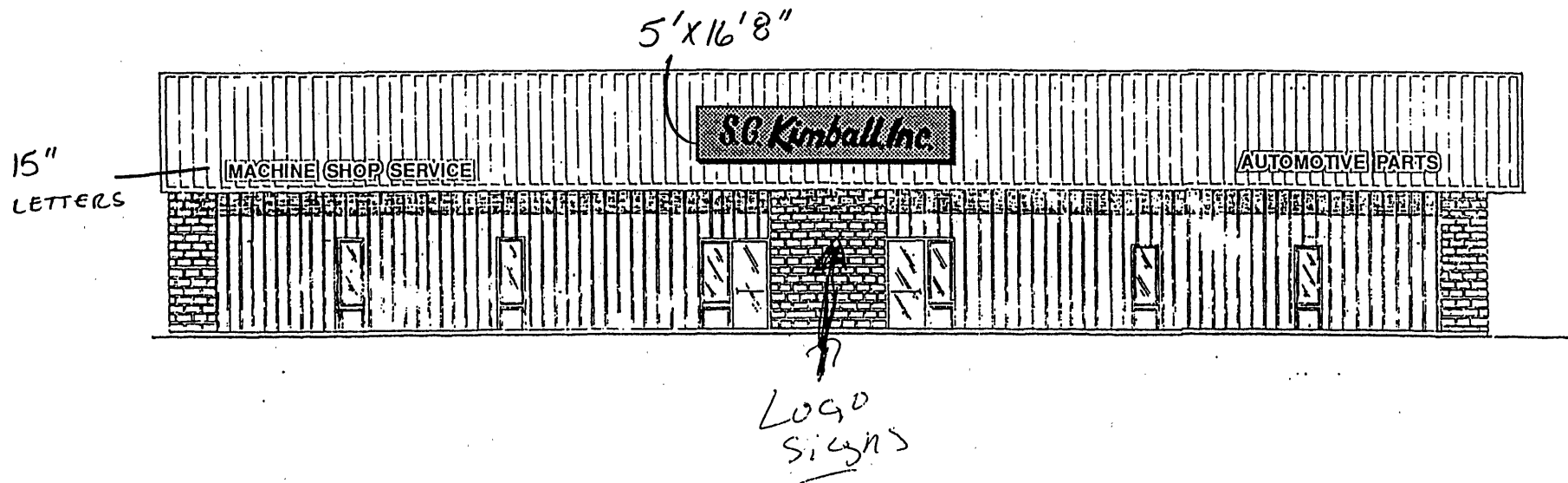
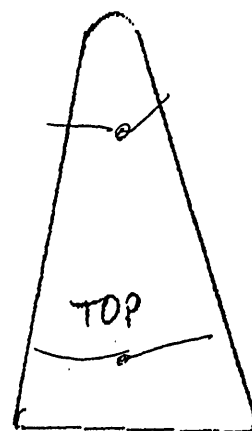
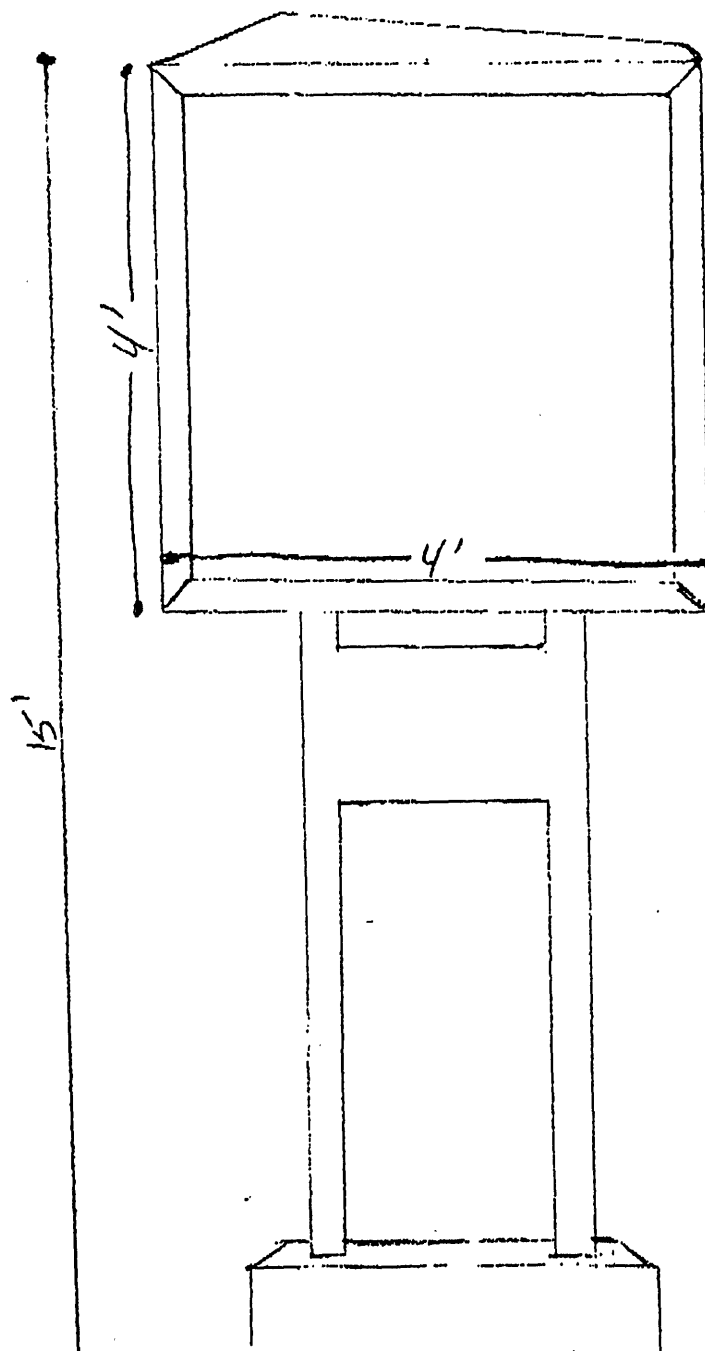


Diagram C

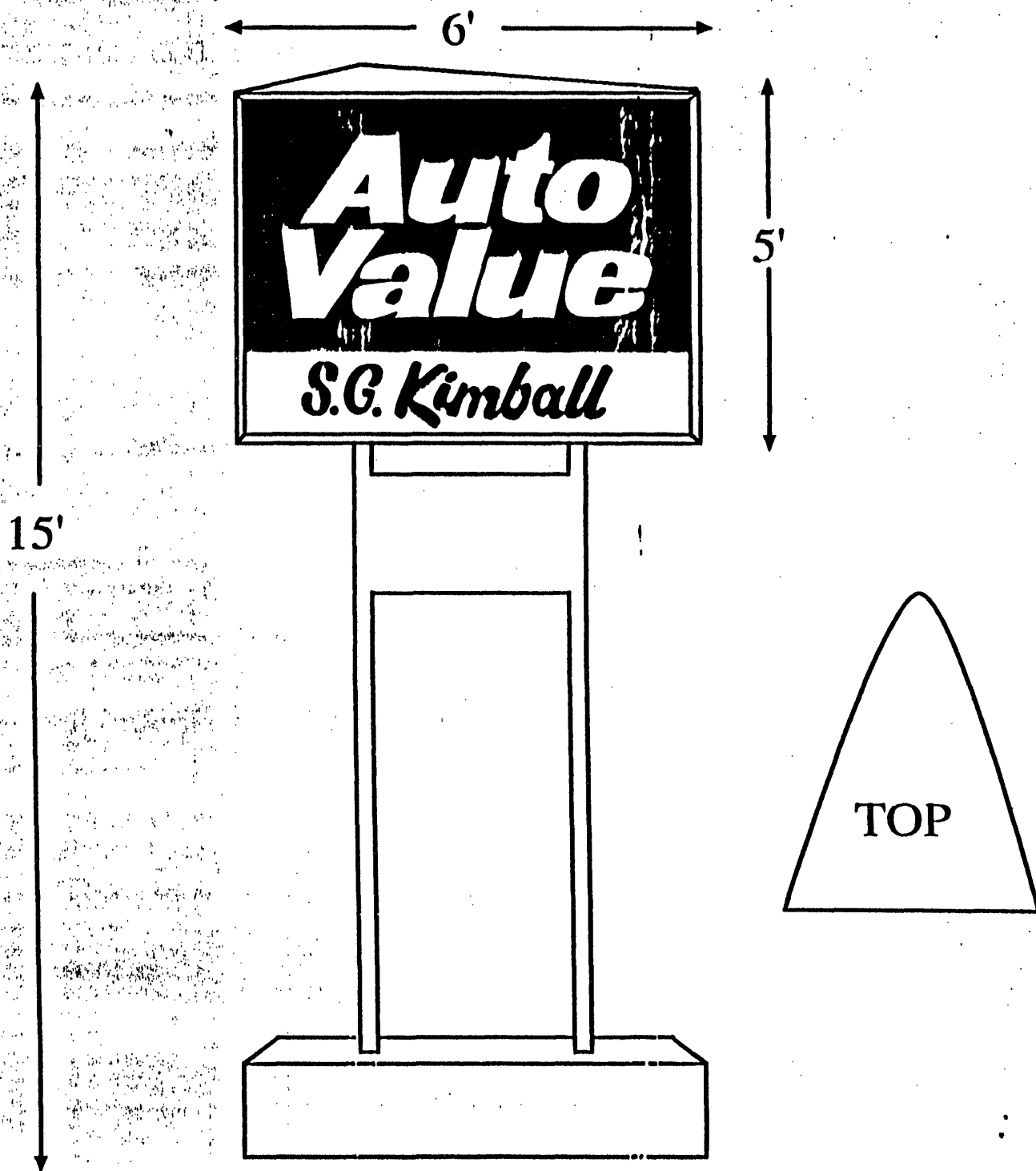


Pikeon Sign

DIAGRAM

A

S.G. Kimball Road Sign



scale $1/2" = 1'$

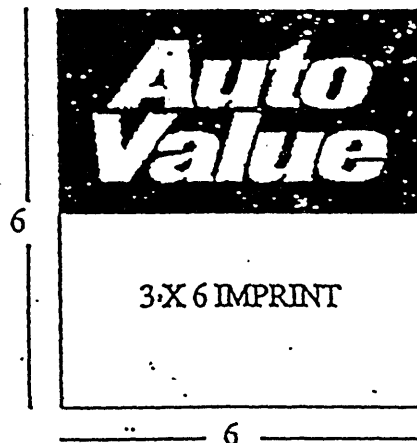
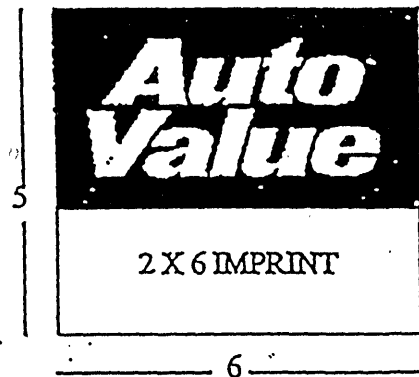
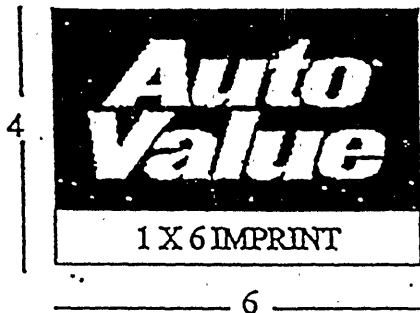
OUTDOOR SIGN PROGRAM

3 X 6 AUTO VALUE SIGN COMBINATIONS

Diagram
B.



KCHD
SIGN

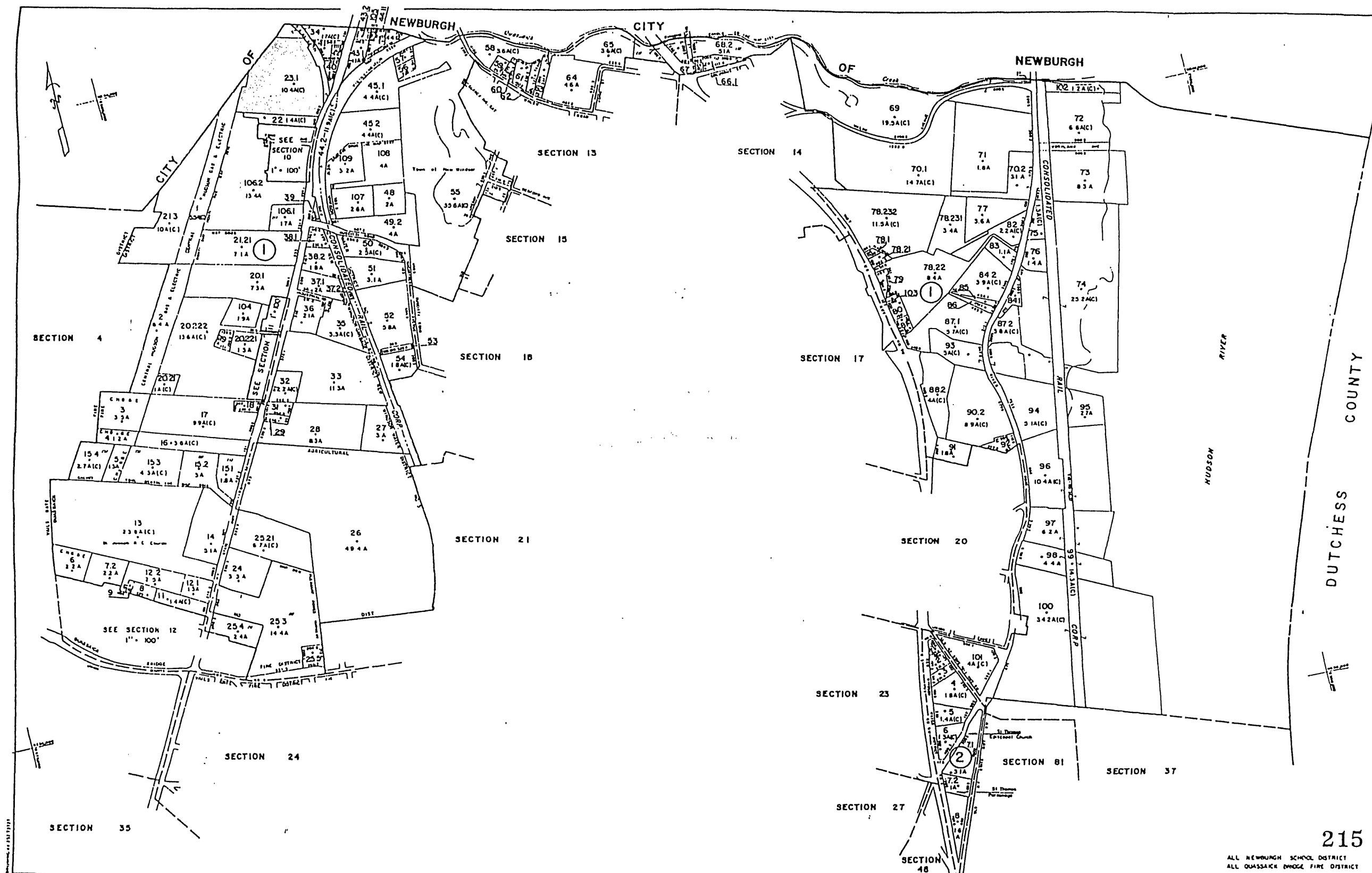


IMPRINT PANELS:

1 X 6 - 1 LINE OF IMPRINT

2 X 6 - UP TO 2 LINES OF IMPRINT

3 X 6 - UP TO 3 LINES OF IMPRINT



215

ALL NEWBURGH SCHOOL DISTRICT
ALL QUASSACK BROOK FIRE DISTRICT

Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., GOSHEN, N.Y. 10924
1989
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TOWNSHIP BOUNDARY	FILED PLAN BLOCK NO.
CITY	SETBACK LINE	TOWNSHIP BOUNDARY	FILED PLAN LOT NO.
WATER	WATER	WATER	STATE HIGHWAYS
RAILROAD	RAILROAD	RAILROAD	COUNTY HIGHWAYS
WATER	WATER	WATER	TOWN ROADS
WATER	WATER	WATER	

ORANGE COUNTY-NEW YORK
Photo No. 8-496,497,498 13-15 Date of Map: 9-24-67
Date of Photo: 3-1-63 Date of Revision: 3-1-81
Scale: 1" = 400'

TOWN OF NEW WINDSOR
Section No. 9

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

file
Rec'd.
ZBA -
7/18/95 (PAB)

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 25

Request of K.W.G. Realty Corp.

for a VARIANCE of the Zoning Local Law to permit:

1) More than one (1) freestanding sign on a lot. 2) More than
one (1) facade sign on the building. 3) Facade sign greater than
3.5 ft. X 10 ft.
being a VARIANCE of Section 48-18H - Supp Sign Regs.

for property situated as follows:

24 Windsor Highway, New Windsor, NY

known as tax lot Section 9 Block 1 Lot 23.1.

SAID HEARING will take place on the 14th day of August,
19 95, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

Date 6/14/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth, 147 Sycamore Dr. DR.
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
6/12/95	Zoning Board Meeting		75 00	
	Misc. - 2			
	Rogers. - 8 pgs			
	Kill. G. Realty - 7	31.50		
	Tri filo - 6			
	Hayen - 4			
	ECTS - 9			
	Accumanno - 4			
	Mobil oil - 6			
	Evans - 1			
	<u>47 pp</u>		211 50	
			286 50	

K.W.G. REALTY, INC.

Frank Gallagher appeared before the board for this request.

MR. NUGENT: Request for (1) 1 1/2 ft. x 6 ft. 8 in. variance for a facade sign, (2) 1 more than the allowable freestanding sign and (3) 2 more than the allowable facade signs for a newly constructed building to house S. G. Kimball, Inc. on the Gallagher Truck property located at 24 Windsor Highway in a C zone.

MR. GALLAGHER: Well, as the chairman said, just constructed a new building, it's about 8,000 square feet, it's located on our site on Route 32. I don't know if everybody's familiar with it, we're between Devitt's and Miron. Kimball's building Route 32 is out here, Kimball's building is way back here, it's 500 feet removed from the road so we if don't have some decent signs on it, we don't have a chance. Up front, what we're looking for is a freestanding sign to direct traffic back. We'll have some directory signs along this newly created road, which is not part of the process here, directory signs are not covered by the sign laws. And then on the front of the building, I have got a handout for everyone here, on the top, you have a rendering of the building matching this. This building is 116 feet across, what we'd like in the center is a back-lit sign just stating the name of the business, S. G. Kimball, five foot high by 16'8" long, on the left-hand side, machine shop service that is in 15 inch letters, they are not lit. And then on the right-hand side automotive parts once again 15 inch high letters and they are not lit. The center would be back lit. Moving on to the second, this is a roadside sign, it's 15 feet tall, six inches across and the height of the lit section on top of the pylons is five feet. It will be two sided but it will not, the sides will not be parallel, it will be a pie shaped so it presents itself to traffic properly. The road isn't quite straight there so we feel we need to do that.

MR. LANGANKE: Are there any other signs where you want to put this sign?

MR. GALLAGHER: I don't have a way to really display this to you, well, over here this is the driveway over here, over here there's a sign that says GMC Truck roughly about 15 feet high also, on the north side of the driveway over here out by the road no there aren't any signs.

MR. LANGANKE: That is where you want to put this one?

MR. GALLAGHER: Right, so one is to the south of the driveway, one is to the north of the driveway.

MR. KANE: And this particular sign will be equal in height with the other sign that is existing out there now, approximately?

MR. GALLAGHER: Within a foot, yeah.

MR. KANE: Michael, only one of those are allowed out there?

MR. BABCOCK: Yeah, it's allowed one freestanding sign per lot. He has multiple buildings on that lot. I don't know whether you gentlemen have been passed there lately but he's created a road type structure up the center with the offsets of the building off the road. So if he was to subdivide and have those buildings on separate lots, he'd be allowed a sign for each one of those buildings. But he's opted not to subdivide and keep them all on one lot, therefore the law says he can only have one sign.

MR. LANGANKE: But the law doesn't take into consideration the size of the lot?

MR. BABCOCK: No.

MR. LANGANKE: So actually, it's a technicality here if he legally subdivided it, then he could do what he wants to do but because he chooses to save money, not go through that process now he needs a variance.

MR. BABCOCK: That is correct.

MR. GALLAGHER: Here I am, right.

MR. REIS: Frank, is there any way that this will diminish the view of any north-south traffic?

MR. GALLAGHER: No, because it's actually on the far side of the railroad tracks, if you can picture going passed our property, the railroad tracks come across the road and then they angle off going back towards Miron, which is the sole and only customer of that railroad spur so this is removed from the road. Well, one inch is 40 feet, it's probably 50 feet off the road so I can't imagine how it would decrease any sight lines.

MR. REIS: How close is it to your existing driveway?

MR. GALLAGHER: It would be about 15 feet but you got to remember that you can see through here, okay.

MR. REIS: Thank you.

MR. NUGENT: Have you considered, I don't like to use the word but ladder type sign, in other words, make them both--

MR. GALLAGHER: I can't do that because, it's a good idea, but I can't do it because the sign that we have from GM we don't own, we lease it from them. I couldn't put anything on that unless of course we became a GMC Oldsmobile dealer, then we could change it but only GM type things can be on that sign. I don't make that rule either.

MR. LANGANKE: Going to be putting anymore buildings on that lot?

MR. GALLAGHER: Well, the mortgage debt's getting up there but we would have room in the back sometime way off in the future to do something.

MR. LANGANKE: I'm just saying maybe you should come for those future signs right away too.

MR. GALLAGHER: Not knowing what's going to go back there.

MR. LANGANKE: Get a couple blanks.

MR. TORLEY: It's getting to a point where you ought to think about a subdivision, if you are going to have another independent subdivision in the back.

MR. GALLAGHER: They are not independent. All the businesses on here, K.W.G. Realty is owned by the Gallagher family and all the businesses that are on the property are owned by the Gallagher property, there's no compelling reason to go through the hassle of doing the subdivision at this point.

MR. BABCOCK: The only reason would be for a sign that would be for the only reason and to go through a subdivision for a sign would be crazy.

MR. KANE: And the request for the height on the facade sign is so that you can see it from the 500 foot distance from the road?

MR. GALLAGHER: I don't think people are going to see it from the road. What I am after is for the roadside sign to tell them where to turn once they turn and start sailing down the roadway then maybe they catch it once they are 100 feet in on the property. I just caught the one word that you said there which was independent businesses and they are really not, it's hopefully one big happy family.

MR. TORLEY: Why do you need the, you're asking for three facade signs. You're allowed one.

MR. GALLAGHER: I believe that is right.

MR. BABCOCK: That is correct.

MR. NUGENT: Two other ones are the unlit ones on the bottom.

MR. TORLEY: Why does the other one have to be oversized?

MR. GALLAGHER: Well, you can come by right now and

take a look, we put up a temporary sign which does comply with the zoning, 3 1/2 by 10 foot, it's actually three feet by eight feet and it's located right here just a piece white plastic with some lettering that says S. G. Kimball. It looks like a postage stamp. This is 116 feet long. When you put something 8 feet wide which doesn't even cover these blocks here, it's just lost.

MR. TORLEY: Mike, with the new sign code, there are no statements regarding the portion of the building?

MR. BABCOCK: No, it's the distance off the street which we have allowed him the normal sign is 2 1/2 by 10. If he goes more than three hundred feet off the street, he's allowed 3 1/2 by 10 which we have allowed him.

MR. GALLAGHER: To answer your question, there's nothing that changes it based on the square footage of the building.

MR. BABCOCK: No, it's the distance off the road. If you are 300 feet or more off the road, you're allowed a 3 1/2 foot sign rather than 2 1/2 foot sign, that is the only exemption.

MR. TORLEY: I felt somewhat larger latitude for sign variances when the sign ordinance was really obsolete but the new sign ordinance they just passed it three months ago.

MR. BABCOCK: A while, I don't know when.

MR. TORLEY: So I feel more compelled, they've just told us what they want to have as signs and they said if it's more than three hundred feet, it could be this big.

MR. NUGENT: That wasn't cast in stone either, they knew there was going to be variances. That is why we're here.

MR. TORLEY: But the idea is if you have a very recent statement from the town board what size sign they want

June 12, 1995

15

to see that to me carries a more compelling weight than a code that was 20 years old and everybody knew it was antiquated.

MR. NUGENT: Like he says, you can't see that until you're on top of the building.

MR. GALLAGHER: You have got a chance at 75 feet but I've got 500 feet to cover here. It's on the building now if you care to come down and take a look, you're welcome.

MR. LANGANKE: I don't have anymore questions.

MR. NUGENT: I'll accept a motion.

MR. KANE: Mr. Chairman, I move that we set up K.W.G. Realty Corporation for their public hearing for requested variances.

MR. LANGANKE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. LANGANKE: If you can bring some pictures along next time just so we can get an idea of the distances.

MR. GALLAGHER: Looking back at the building?

MR. LANGANKE: Right.

MR. KANE: And from the road.

MR. GALLAGHER: Well, I have a plot plan here.

MR. KANE: That will help, too.

MR. KRIEGER: When you come back, those are the criteria the Zoning Board must consider by law. If you

June 12, 1995

16

would address yourself to those criteria, it would make it easier.

MR. GALLAGHER: Ahuh, okay.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

24

June 15, 1995

K.W.G. REALTY CORP.
P. O. Box 2628
Newburgh, N. Y. 12550

Attn: Mr. Frank Gallagher

Re: Tax Map Parcel #09-01-23.1
S. G. Kimball, Inc.

Dear Mr. Gallagher:

According to our records, the attached list of property owners are within five Hundred (500) feet of the above-referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00, leaves a balance due of \$20.00.

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment
cc: Patricia A. Barnhart

Mans Brothers Realty Inc.
P. O. Box 247
Vails Gate, N. Y. 12584

Town of New Windsor
555 Union Avenue
New Windsor, N. . 12553

Central Hudson Gas & Electric Corp.
% Tax Agent
South Road
Poughkeepsie, N.Y. 12603

Newburgh Miron Lumber Corp.
250 Lake Street
Newburgh, N. Y. 12553

Tomlin Holding Corp.
8 Susan Drive
Newburgh, N. Y. 12550

Jane E. McDonald
240 Lake Street
Newburgh, N. Y. 12550

Charles I. Thompson
William K. Weston
% Heights Lumber Company
3 Windsor Highway
New Windsor, N. Y. 12553

Consolidated Rail Corp.
6 Penn Center Plaza
Philadelphia, PA 19103

Triangle Pacific Corp.
16803 Dallas Pkwy.
Dallas, Texas 75248

Cornwall Paper Mills Co.
300 Executive Drive - Suite 360
West Orange, N. J. 07052

A. T. Reynolds & Sons Inc.
Box K
Kiamesha Lake, N. Y. 12751

New Windsor Equipment Rentals & Service Inc.
P. O. Box 2068
Newburgh, N. Y. 12550

Argenio Bros. Inc.
P. O. Box 2068
Newburgh, N. Y. 12550

Anthony & Veronica Monti
15 Fern Avenue
New Windsor, N. Y. 12553

Frank and Kristen Decker
9 Fern Avenue
New Windsor, N. Y. 12553

Kenneth A. and Pamela A. Thomas
7 Fern Avenue
New Windsor, N.Y. 12553

Thomas A. and Helen I. Kennedy
5 Fern Avenue
New Windsor, N.Y. 12553

Emil J. & Helen Mihalco
14 Fern Avenue
New Windsor, N. Y. 12553

Frederick A. and Inda C. Porteous
12 Fern Avenue
New Windsor, N.Y. 12553

Osman and Zanif Ozkurt
10 Fern Avenue
New Windsor, N. Y. 12553

John Terranova
847 Route 300
Wallkill, N. Y. 12589

Angel M. and Nellie A. Padilla
38 Windsor Highway
New Windsor, N.Y. 12553

Richard A. & William S. Schaffner Living Trust
% Susan Schaffner
22 Bethlehem Road
New Windsor, N. Y. 12553

Joel and Rachael McKible
42 Windsor Highway
New Windsor, N. Y. 12553

(file KWG)

OF PROPERTY AND 15 FT. LOT WIDTH; AND INTERPRETATION THAT THE SALE OF READY-MIXED CONCRETE FOR USE BY SMALL CONTRACTORS AND HOMEOWNERS IS A PERMITTED USE ON THIS PROPERTY. THE ZBA FOUND THAT THIS USE IS A PERMITTED USE UNDER THE TERMS OF SUBD. 4 AND 6 OF THE USE REGS. COL. A IN A PI ZONE. HOWEVER, AREA VARIANCES WERE DENIED.

9-1-22 MILLER, KENNETH J. USE/AREA VARIANCE GRANTED
ROUTE 32 #73-13

CONST OF BLDG. FOR SALE OF NEW/USED CARS/CAMPERS/TRAILERS IN GI ZONE

9-1-22 MANS, C. P. SIGN VARIANCE GRANTED

28 WINDSOR HIGHWAY-HONDA SHOP #78-14 PI ZONE 5/8/78

REQUEST FOR 96 S.F. SIGN AREA VARIANCE FOR HONDA SHOP.

9-1-22 MANS BROS. AREA VARIANCE DENIED

28 WINDSOR HIGHWAY #81-2 2/9/81

REQUEST FOR 11 FT. SIDE YARD VARIANCE FOR CONSTRUCTION OF ADDITIONAL BUILDING FOR REPAIR OF MOTORCYCLES AND WAREHOUSE IN PI ZONE.

9-1-22 MANS, C.P. AREA VARIANCE PI ZONE GRANTED

28 WINDSOR HIGHWAY #81-24 PI ZONE 1/25/82

REQUEST FOR 12 FT. SIDE YARD VARIANCE FOR CONSTRUCTION OF WAREHOUSE TO THE REAR OF PROPERTY LOCATED ON ROUTE 32 IN PI ZONE.

9-1-23.1 KWG REALTY CORP. EXT OF N/C USE GRANTED

ROUTE 32, SOUTH PI ZONE #88-12 03/14/88

SIGN VARIANCE #89-22 05/22/89

REQUEST FOR EXTENSION OF NON-CONFORMING USE (COMMERCIAL TRUCKING BUSINESS) GRANTED ON 03/14/88 UNDER ZBA FILE #88-12. REQUEST FOR 36 S.F. SIGN VARIANCE FOR THREE (3) SIGNS ON BUILDING FACADE, TOTAL SIGN AREA WILL BE 96 S.F., INCLUDING (1) 4 X 5 S.F. (2) 4 X 12 S.F. AND (3) 4 X 7 S.F. SIGN AREA DEPICTING "GALLAGHER", "GMC TRUCKS" AND "PETERBILT" UNDER ZBA FILE #89-22.

#93-15 - GALLAGHER TRUCK CENTER C ZONE GRANTED 06/28/93

REQUEST FOR 216 S.F. SIGN AREA VARIANCE FOR A FREE-STANDING EXISTING SIGN, 25 FT. SIGN HEIGHT VARIANCE FOR A FREE-STANDING SIGN, 84.72 S.F. SIGN AREA VARIANCE FOR A PROPOSED FREE-STANDING NEW SIGN AND ONE FREE-STANDING SIGN VARIANCE TO ALLOW A TOTAL OF TWO FREE-STANDING SIGNS IN A ZONE WHERE ONLY ONE FREE-STANDING SIGN IS PERMITTED AT THE WINDSOR HIGHWAY LOCATION. NOW LOCATED IN C ZONE.
XXX

9-1-25.21 IMPELLITTIERE, GERARD T. JR. AREA VARIANCE GRANTED

DUFFER'S HIDEAWAY - ROUTE 32 PI ZONE #89-49 10/23/89

REQUEST FOR 35 FT. HEIGHT VARIANCE AND A 6 FT. VARIANCE IN BOTH SIDE YARDS AND IN THE REAR YARD IN ORDER TO CONSTRUCT A 50 FT. HIGH FENCE SET BACK 4 FT. FROM BOTH SIDES AND REAR PROPERTY LINES.

9-1-25.222 REDL, HERBERT AREA/SIGN VARIANCE GRANTED

151 WINDSOR HIGHWAY NC/PI ZONE #87-2 02/23/87

REQUEST FOR CONSTRUCTION OF 7 FT. SECURITY FENCE WITH 3 STRAND BARBED WIRE IN VAIANCE OF SECTION 48-14C(1) AND 50 S.F. SIGN VARIANCE FOR MINI-STORAGE SITE.

9-1-37.1 OCCUPATIONS, INC. AREA VARIANCE GRANTED

67 WINDSOR HIGHWAY #84-17 PI ZONE 09/10/84

REQUEST FOR AREA VARIANCE TO PLACE 9 FT. FENCING (INCLUDING 3 STRAND BARNED WIRE) ON REAR OF PROPERTY TO PREVENT VANDALISM.

Deed.

ORANGE
COUNTY

0 5 3 4 8 9

REAL ESTATE
TRANSFER TAX
Dept. of
Taxation
FED 1076
PA 10951
NEW YORK
= 60.50

ANNE C. GALLAGHER

TO

K. W. G. REALTY CORPORA-
TION

Dated, January 30, 1975

Orange County Clerk's Office, s.s.

Recorded on the 10th day
of Feb 1975 at 9:36

o'clock A.M. in Liber 2000

at page 558

and Examined
C. H. Winters
Clerk

Pl. charge, record & return to:

MCCANN, AHERN & SOMMERS, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

~~XXXXXXXXXXXX~~

347

P. O. Box 2335 Fullerton Ave.

NEWBURGH, NEW YORK 12550

60 50

THIS DEED IS GIVEN WITHOUT A SEARCH

This Indenture,

Made the *30th*
hundred and Seventy-Five

day of January

, nineteen
LIBER 2000 PG 558

Between ANNE C. GALLAGHER, residing at 882-B Heritage Village,
Southbury, Connecticut 06488

part Y of the first part, and

K. W. G. REALTY CORPORATION, a domestic corporation, having its
principal place of business at Route 32, Town of New Windsor, Orange,
County, New York,

part Y of the second part:

Witnesseth, that the *part Y* of the first part, in consideration of -----
TEN and 00/100----- (\$10.00) ----- Dollars,
lawful money of the United States, and other good and valuable consideration
----- paid by the *part Y* of the second part,
do es hereby grant and release unto the *part Y* of the second part,
its successors and assigns forever,

CEL I

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, together with the
buildings and improvements thereon, situate in the Town of New Windsor
County of Orange and State of New York, more particularly bounded and
described as follows:

X/K-F-7
BEGINNING at a point in the center line of Windsor Highway, formerly Snake Hill Road (Route No. 32), the said point of beginning being the northeasterly corner of lands now or formerly of Frances M. Greene and runs thence along the center line of said Highway in a northeasterly direction approximately 40 feet to its intersection with the projection of the westerly right of way taking line of the Erie Railroad Company (Fabrikoid Siding) as described in a certain deed Chamber of Commerce of the City of Newburgh, N.Y. to Erie Railroad Company dated November 6, 1913 and recorded in the Orange County Clerk's Office on May 14, 1914 in Liber 549 of deeds at page 263; thence continuing along the course of said projection 100 feet more or less to the point where it intersects the westerly line of said highway, which point of intersection is 150 feet more or less measured along the westerly line of said highway from the north line of the lands of said Greene as aforesaid; thence along said right of way line northerly on a radius of 930.37 feet, a distance of 387.62 feet to a point; thence westerly 25 feet to a point; thence northerly on a radius of 905.37 feet, a distance of 199.0 feet to a point; thence easterly 22 feet to a point; thence northerly on a radius of 927.37 feet a distance of 100.72 feet to a point in the southerly line of the Alms House property of the City of Newburgh; thence along said line North 67 degrees 40 minutes West 452 feet more or less to a point in the westerly line of lands of Epstein; thence along the same South 29 degrees 10 minutes West 731.22 feet more or less to a point at the northwesterly corner of lands conveyed by Raphael Epstein to Frances M. Greene by deed dated February 15, 1949 and recorded in the Orange County Clerk's Office on February 23, 1949 in Liber 1114 of deeds at page 335; thence along the northerly line of said lands South 60 degrees 31 minutes East 723.3 feet to a point in the center line of Windsor Highway to the point or place of beginning. The said parcel hereby described contains 11 1/4 acres more or less.

SUBJECT to appropriations of property by the State of New York for the vails Gate-Newburgh City line highway, S.H. No. 9033, insofar as the same may affect the above described parcel.

BEING the same premises as described in a deed from Raphiel Epstein, Abraham Epstein and Molly Epstein to Frank X. Gallagher and Anne C. Gallagher dated March 9, 1960 and recorded in the Orange County Clerk's Office on March 11, 1960 in Liber 1542 of Deeds at page 471. The said Frank X. Gallagher having died a resident of Orange County on December 10, 1961.

EL ALSO ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND situate in the Town of New Windsor, County of Orange and State of New York, and being more particularly bounded and described as follows:

BEGINNING at a point, marked by an iron pipe, at the northwest corner of lands conveyed to Frank X. Gallagher and Anne C. Gallagher by deed dated March 9, 1960, made by Raphiel Epstein, Abraham Epstein and Molly Epstein, and recorded in the Orange County Clerk's Office on March 11, 1960 in Liber 1542 of Deeds at page 471; thence N 65° 00' 00" W 73.15 feet through lands of Joseph Monti to the easterly line of lands of Central Hudson Gas and Electric Corporation described in a deed dated December 6, 1961 made by Joseph Monti, recorded in the Orange County Clerk's Office on December 7, 1961 in Liber 1607 of Deeds at page 37; thence N 37° 26' 10" E 319.06 feet along the said easterly line of Central Hudson Gas and Electric Corporation to a point, marked by a concrete monument; thence S 67° 14' 30" E 28.35 feet along the southerly line of said lands of Central Hudson Gas and Electric Corporation to a point, marked by a concrete monument, in the westerly line of said lands now or formerly of Gallagher; thence S 29° 22' 10" W 313.58 feet along the westerly line of said lands of Gallagher to the point or place of beginning. Containing about 16,036 square feet.

EXCEPTING ALL THAT CERTAIN LOT OF LAND situated in the Town of New Windsor, County of Orange, State of New York, bounded and described as follows:

BEGINNING at a point, marked by a concrete monument, at the northeast corner of lands described in a deed made by Joseph Monti to Anne C. Gallagher, dated October 23, 1968, recorded in the Orange County Clerk's Office on October 24, 1968, in Liber 1806 of Deeds at page 606, said point also being in the westerly line of lands described in a deed made by Raphiel Epstein, Abraham Epstein and Molly Epstein to Frank X. Gallagher and Anne C. Gallagher dated March 9, 1960 and recorded in the Orange County Clerk's Office on March 11, 1960 in Liber 1542 of Deeds at page 471; thence from said point of beginning, South 29° 22' 10" West 75.49 feet along the line of lands of Frank X. Gallagher and Anne C. Gallagher as described in Liber 1542 of Deeds at page 471 on the east and lands of Anne C. Gallagher as described in Liber 1806 of Deeds at page 606 on the west, to a point marked by an iron pipe; thence North 67° 14' 30" West 39.31 feet through said lands of Anne C. Gallagher described in Liber 1806 of Deeds at page 606, to a point marked by an iron pipe in the westerly line of said lands of Anne C. Gallagher; thence along the westerly line of said lands of Anne C. Gallagher described in Liber 1806 of Deeds at page 606; North 37° 26' 10" East 77.52 feet, to a point marked by a concrete monument, said point being also a corner of the said lands of Anne C. Gallagher described in Liber 1806 of Deeds at page 606; thence South 67° 14' 30" East 28.35 feet along the northerly line of said lands of Anne C. Gallagher described in Liber 1806 of Deeds at page 606, to the point or place of beginning.

BEING the same premises as described in a deed from Anne C. Gallagher to Central Hudson Gas & Electric Corporation dated February 5, 1969 and recorded in the Orange County Clerk's Office on February 13, 1969 in Liber 1813 of Deeds at page 902.

Parcel II above described is a portion of the premises described in a deed from JOSEPH MONTI to ANNE C. GALLAGHER dated October 23, 1968 and recorded in the Orange County Clerk's Office on October 24, 1968 in Liber 1806 of Deeds at page 606.

LINE 2000 PG 52
Together with the appurtenances and all the estate and rights of the part Y of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the part Y of the second part, its successors and assigns forever.

And said Party of the first part

covenant as follows:

First. That said Party of the first part
ha s good right to convey the same; **seized of the said premises in fee simple and**

Second. That the part Y of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the part Y of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said Party of the first part
will forever warrant the title to said premises.

Sixth. The grantor , in compliance with Section 13 of the Lien Law, covenant as follows: That she will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that she will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the part Y of the first part ha S hereunto set her hand and seal the day and year first above written

In the Presence of:

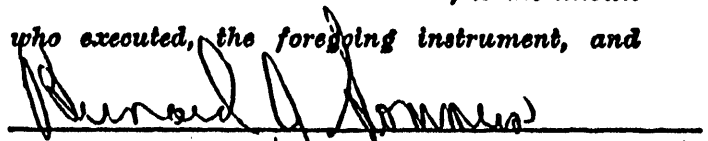

ANNE C. GALLAGHER

State of New York,
County of ORANGE

SS.:

On the 30th day of January , nineteen hundred and Seventy-Five before me personally came ANNE C. GALLAGHER

, to me known
to be the individual described in, and who executed, the foregoing instrument, and acknowledged that she executed the same.



BERNARD J. SOMMERS
Notary Public State of New York
Residing in Orange County
My comm. expires March 30, 1976

Deed.

ANNE C. GALLAGHER

TO

K. W. G. REALTY CORPORATION

Dated, February 10, 1959

Orange County Clerk's Office, s.s.

Recorded on the 13th day
 of Feb. 1969 at 9:17
 o'clock A M. in Liber 1813
Deeds at page 862
 and Examined

C. N. Winters Clerk

RECORD RETURN TO
 CHARGE TO
 LAW OFFICES

BROWNING & STRADAR
 388 BROADWAY
 NEWBURGH, NEW YORK
 12550

1155
 10-

STATE OF NEW YORK }
 COUNTY OF ORANGE } ss.

On the 10th day of February nineteen hundred and sixty-nine, before me personally came Edward F.X. Gallagher to me known, who being by me duly sworn, did depose and say that he resides at no number Grand Ave., Town of Newburgh, Orange Co., N.Y. that he is the Exec. VP of K. W. G. REALTY CORPORATION, the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; and that he signed his name thereto by like order.

George F. Stradar, Jr.
 Notary Public

GEORGE F. STRADAR, JR.
 Notary Public State of New York
 Qualified in Orange County
 My Commission Expires March 30, 1970

ORANGE COUNTY
 003450
 REAL ESTATE
 TRANSFER TAX
 DEPT. OF REVENUE
 TAXATION
 FEB 13 1969
 PA. 10951
 STATE OF NEW YORK
 1155
 *

This Indenture,

Made the 10th day of February, nineteen hundred and sixty-nine.

Between ANNE C. GALLAGHER, residing at No. 2273 Lagoon Drive, in the City of Dunedin, Pinellas County, Florida,

party of the first part, and

K. W. G. REALTY CORPORATION, a New York corporation having its principal place of business at No. 60 Mill Street, City of Newburgh, Orange County, New York,

party of the second part:

Witnesseth, that the party of the first part, in consideration of TEN and 00/100----- (\$10.00)----- Dollars, lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever,

(All that certain lot, piece or parcel of land, with the buildings and improvements thereon, situated in the Town of New Windsor and City of Newburgh, County of Orange, State of New York, and being more accurately bounded and described as follows:

Beginning at a point marked by an iron rod in the westerly line of lands described in a deed dated March 9, 1960, made by Raphael Epstein, Abraham Epstein and Molly Epstein to Frank X. Gallagher and Anne C. Gallagher, recorded in the Orange County Clerk's Office on March 11, 1960, in Liber 1542 of Deeds at page 471, said point of beginning being located North 29° 22' 10" East 238.09 feet from an iron pipe marking the most westerly corner of said lands of Frank X. Gallagher and Anne C. Gallagher, said point of beginning also being located South 29° 22' 10" West 75.49 feet from the northeast corner of lands described in a deed dated October 23, 1968, made by Joseph Monti to Anne C. Gallagher and recorded in the Orange County Clerk's Office on October 24, 1968, in Liber 1806 of Deeds at page 606; thence from said point of beginning and along the line of lands now or formerly of Anne C. Gallagher as described in Liber 1806 of Deeds at page 606 and Central Hudson Gas and Electric Corporation as described in Liber 1607 of Deeds at page 37 on the West and lands of Frank X.

Gallagher and Anne C. Gallagher, as described in Liber 1542 of Deeds at page 471, on the East; passing from the Town of New Windsor into the City of Newburgh, North $29^{\circ} 22' 10''$ East 492.05 feet to an iron rod in the southerly line of lands now or formerly of the Newburgh City & Town Home, said iron rod being located North $69^{\circ} 13' 34''$ East 1.51 feet from a monument; thence along the southerly line of lands now or formerly of the Newburgh City & Town Home, passing from the City of Newburgh into the Town of New Windsor, South $67^{\circ} 40' 00''$ East 460.92 feet to an iron rod in the westerly line of lands of the Erie Lackawana Railway Company; thence along the westerly line of lands of the Erie Lackawana Railway Company on the next five courses, (1) on a line parallel to and 28 feet westerly of the center of the railroad tracks on a curve to the right having a radius of 927.37 feet an arc distance of 100.72 feet to a point marked by an iron rod; thence (2) south $79^{\circ} 51' 46''$ West 22.0 feet to a point marked by an iron rod; thence (3) on a line parallel to and 50 feet westerly of the center line of the railroad tracks on a curve to the right having a radius of 905.37 feet an arc distance of 199.0 feet to a point marked by an iron rod; thence (4) South $87^{\circ} 32' 36''$ East 25.0 feet to a point marked by an iron rod; thence (5) on a line parallel to and 25 feet westerly of the center line of the railroad tracks on a curve to the

right having a radius of 930.37 feet, an arc distance of 236.58 feet to a point marked by an iron rod; thence through said lands of Frank X. Gallagher and Anne C. Gallagher described in Liber 1542 of Deeds at page 471, North $67^{\circ} 14' 30''$ West 723.78 feet to the point of beginning Containing 6.87± acres.)

TOGETHER WITH a permanent easement and right of way in common with Anne C. Gallagher, her heirs and assigns, in, upon, over, under and across all that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, and being more accurately bounded and described as follows:

Beginning at an iron rod marking the intersection of the westerly line of lands of the Erie Lackawana Railway Company with the southerly line of lands described above; thence from said point of beginning and along the westerly line of lands of the Erie Lackawana Railway Company on a line parallel to and 25 feet westerly of the center line of the tracks on a curve to the right having a radius of 930.37 feet an arc distance of 44.93 feet to an iron rod; thence through lands now (continued on rider attached hereto and made a part hereof)

(Rider attached to and made a part of Deed dated February 10 , 1969, made by Anne C. Gallagher to K. W. G. Realty Corporation)

or formerly of Frank X. Gallagher and Anne C. Gallagher, described in Liber 1542 of Deeds at page 471, North 45° 29' 29" West 120.88 feet to an iron rod in the southerly line of lands described above; thence along said line, South 67° 14' 30" East 108.87 feet to the point of beginning. Containing more or less.

TOGETHER WITH a temporary easement and right of way in common with Anne C. Gallagher, her heirs and assigns, in, upon, over, under and across the remaining lands described in Liber 1542 of Deeds at page 471 which are not herein conveyed. Said temporary easement and right of way shall be for ingress and egress from New York State Route 32 to the property first above described, and shall automatically terminate upon (1) the recording in the Orange County Clerk's Office of an instrument made by the Erie Lackawanna Railway Company or its successors and assigns, granting to K. W. G. Realty Corporation, or its successors and assigns the right to cross lands of said Erie Lackawanna Railway Company for ingress and egress from New York State Route 32, and (2) the construction by said K. W. G. Realty Corporation of a

road over the above-described permanent easement and right of way and over the said lands of the Erie Lackawana Railway Company.

Reserving and granting to Anne C. Gallagher, her heirs and assigns, in common with K. W. G. Realty Corporation, its successors and assigns, the right to use the above-described roadway over lands of the Erie Lackawana Railway Company, over lands described in the aforesaid permanent easement and right of way herein granted by Anne C. Gallagher, and over the premises first above described and conveyed, to commence upon the recording in the Orange County Clerk's Office of the instrument made by the Erie Lackawana Railway Company or its successors and assigns mentioned in the paragraph immediately above, whereby crossing rights are granted, and the completion of construction of said roadway by K. W. G. Realty Corporation, its successors and assigns; and

Notary Public State of New York
Qualified in Orange County
My Commission Expires March 30, 1970

(second page of Rider attached to and made a part of Deed dated February 10, 1969, made by Anne C. Gallagher to K. W. G. Realty Corporation)

K. W. G. Realty Corporation, the grantee herein, separately executes and acknowledges this deed for the sole purpose of consenting to and granting said rights to Anne C. Gallagher, her heirs and assigns.

BEING part of the premises described in a deed dated March 9, 1960, made by Raphiel Epstein, Abraham Epstein and Molly Epstein to Frank X. Gallagher and Anne C. Gallagher, recorded in the Orange County Clerk's Office on March 11, 1960, in Liber 1542 of Deeds at page 471, the said Frank X. Gallagher having died on December 10, 1961, a resident of Orange County.

SUBJECT to a certain grant to Central Hudson Gas and Electric Corporation made by Anne C. Gallagher by instrument dated February 5, 1969, and to be recorded in the Orange County Clerk's Office simultaneously herewith.

LIDEN 1813 PG 865

GEORGE F. STANLEY, JR.
Notary Public State of New York
Qualified in Orange County
My Commission Expires March 30, 1970

LIDEN 1813 pg 866

Together with the appurtenances and all the estate and rights of the party of the
first part. in and to the said premises.

To have and to hold the premises herein granted unto the party of the second
part, its successors and assigns forever.

And the said Anne C. Gallagher
covenant that she has not done or suffered anything whereby the said premises have
been incumbered in any way whatever, except as aforesaid.

And The grantor, in compliance with Section 13 of the Lien Law, covenant as
follows: That she will receive the consideration for this conveyance and will hold the
right to receive such consideration as a trust fund to be applied first for the purpose of
paying the cost of the improvement, and that she will apply the same first to the payment
of the cost of the improvement before using any part of the total of the same for any
other purpose.

In Witness Whereof, the party of the first part has hereunto set her
hand and seal the day and year first above written.

In the Presence of:

Seas D. Stender

Anne C. Gallagher
Anne C. Gallagher

IN WITNESS WHEREOF, the party of the second part has caused it
corporate seal to be affixed and these presents to be signed by its
lawfully authorized officer the day and year first above written.

K. W. G. REALTY CORPORATION

By Edward F. X. Gallagher
Edward F. X. Gallagher

Attest

ASST. Secretary

State of New York, County of Orange

ss.:

On the 10th day of February, nineteen hundred and
sixty-nine before me personally came Anne C. Gallagher

, to me known
to be the individual described in, and who executed, the foregoing instrument, and
acknowledged that she executed the same.

Seas D. Stender
Notary Public

GEORGE F. STRAHAN, JR.
Notary Public State of New York
Qualified in Orange County
My Commission Expires March 30, 1970

Kar-Vin Abstract Corp.

273 Quassaick Avenue • New Windsor, New York 12553

(914) 562-2622

Fax No. (914) 565-8737

Vincent J. Tangredi
President

5/15/95

Joseph Rones, Esq.
Finkelstein Levine Gittelso
436 Robinson Ave.
Newburgh, NY, 12550

Re: Title No. 951114
Premises: Route 32
Purchaser: K.W.G. Realty Corp.
Seller: K.W.G. Realty Corp.
Lender: Bank of New York Mortgage Co.

Gentlemen:

Enclosed please find:

(XX) Certificate and Report of Title. Kindly advise the undersigned of the time and place of closing.

() Addenda to Certificate and Report of Title. Kindly annex to title report.

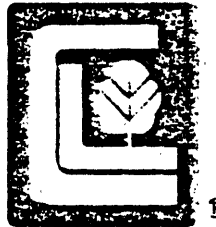
- () Survey
- () Survey Reading
- () Affirmative Insurance (BANK ONLY)
- () Residential Mortgage Endorsement (BANK ONLY)
- () Street Report
- () Certificate of Occupancy
- () Description or Amended Description
- () Updated Tax Schedule
- () Violation Search

Very truly yours,

Vincent J. Tangredi

VJT:clv
cc: K.W.G. Realty Corp.
Enclosure

Commonwealth.
Land Title Insurance Company



**CERTIFICATE
AND
REPORT OF TITLE**

NEW YORK STATE OFFICE
655 Third Avenue
New York, New York 10017
(212) 949-0100

HOME OFFICE
EIGHT PENN CENTER
PHILADELPHIA, PA 19103-2198
Telephone. (215) 241-6000

B 2215-17

NEW YORK OFFICES

☐ **NEW YORK CITY**
655 Third Avenue
New York, New York 10017
(212) 949-0100

☐ **BUFFALO**
298 Main Street
Buffalo, New York 14202
(716) 853-6800

☐ **GARDEN CITY**
370 Old Country Road
Garden City, New York 11530
(516) 742-7474

☐ **RIVERHEAD**
177 Old Country Road
Riverhead, New York 11901
(516) 727-7760

☐ **WHITE PLAINS**
131 Court Street
White Plains, New York 10601
(914) 949-0002

NATIONAL TITLE SERVICE

655 Third Avenue
New York, New York 10017
(212) 949-0100

CERTIFICATE AND REPORT OF TITLE



Commonwealth.
Land Title Insurance Company

That in consideration of the fees, due and payable upon the delivery of this certificate, this Company certifies it has examined title to the premises described in Schedule A herein, in accordance with its usual procedure and agrees to issue its standard 1990 ALTA Loan/Owner's policy (with New York Endorsement) insuring such interest and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company, excepting all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in this certificate which are not disposed of to its satisfaction prior to such closing or issuance of the policy.

Such policy will be issued for the amount set forth herein, upon payment of the Company's fees and after the transaction has been duly closed and the closing instruments have been duly recorded and approved by the Company.

This certificate is subject to any question or objection as a result of a continuation of the title to the date of closing or which may be brought to the attention of the Company prior to the closing, or if there be no closing, before the issuance of the policy.

This certificate shall be null and void (1) if the Company's fees therefor are not paid (2) if the prospective insured, his attorney or agent, or the applicant or the person to whom this certificate is addressed, makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) in any event, upon the delivery of the policy. Any claim arising by reason of the issuance of this certificate shall be restricted to the terms and conditions of the standard form of insurance policy.

If title, interest or lien to be insured was acquired by the prospective insured prior to delivery of this certificate, the Company assumes no liability except under the policy when issued.

Authorized Signature

Redated and Recertified:

Closer's Signature

If you have any questions regarding this report please communicate with

KAR-VIN ABSTRACT CORP.
273 Quassaick Avenue
New Windsor, N.Y. 12553
(914) 562-2622 FAX (914) 565-8737

COMMONWEALTH LAND TITLE INSURANCE COMPANY

SCHEDULE A

Title No. 951114

Effective Date: 3/25/95

Redated:

Proposed Insured:

Purchaser K.W.G. Realty Corp.

Mortgagee Bank of New York Mortgage Co.

, its successors and/or assigns

Amount of Insurance

Fee \$

Mortgage \$750,000.00

THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/or mortgaged by:

K.W.G. Relty Corporation who acquired title by deed dated 2/10/69 made by Anne C. Gallagher and recorded in the ORANGE County Clerk's Office on 2/13/69 in Liber 1813 of Deeds, at page 862.

K.W.G. Realty Corporation who acquired title by deed dated 1/30/75 made by Anne C. Gallagher and recorded in the ORANGE County Clerk's Office on 2/10/75 in Liber 2000 of Deeds, at page 558.

City of Newburgh who acquired title by deed dated 11/25/91 made by Hargovind S. Patel and recorded in the ORANGE County Clerk's Office on 11/25/91 in Liber 3526 of Deeds, at page 4, as corrected by deed in Liber 3583 cp 93.

Premises described herein are known as:

Route 32

County: ORANGE

City: Newburgh

Town: New Windsor

**Section/Block/Lot: (9-1-23.1 Town of New Windsor)
& (50-1-8 City of Newburgh)**

COMMONWEALTH LAND TITLE INSURANCE COMPANY

SCHEDULE B

Title No. 951114

SCHEDULE B in which are set forth the additional matters which will appear in the policy as exceptions from coverage, unless disposed of to the Company's satisfaction prior to the closing or delivery of the policy:

1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth in schedule herein.
2. Mortgages returned herein (ONE). Detailed statement within.
3. Any state of facts which an accurate survey might show or Survey exceptions set forth herein.
4. Rights of tenants or persons in possession.
5. Covenants, conditions, easements, leases, agreements of record, etc., more fully set forth in Schedule herein:--Grants in Liber 1607 cp 37 and Liber 1813 cp 904. Easement in Liber 1845 cp 121 and Liber 1813 cp 862 as they may affect.
6. Underground encroachments and easements, if any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same. (FEE POLICY ONLY)

NOTE: Insurance Law Sec. 64 Subdivision 6409(c) requires that title companies offer, at or prior to closing, an optional policy to cover the homeowner for the FUTURE market value of his house. You may, therefore, elect to obtain protection in excess of your purchase price. If you do not wish this additional statutory coverage, you **MUST WAIVE** by signing in the space below this exception:

SCHEDULE B CONTINUED

Title No. 951114

7. The amount of acreage is not insured.
8. No title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.
9. Subject to rights and easements if any acquired by any public utilities company to maintain its poles and operate its wires, lines, etc., in, to and over the premises herein and in, to and over the streets adjacent thereto. (FEE POLICY ONLY)
10. If the mortgage or mortgages returned herein is a Credit Line Mortgage, special arrangements with the title company must be made PRIOR to closing in order to satisfy same at closing.
11. Riparian rights, if any, in favor of the premises herein are not insured.
12. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
13. Except all water meter charges from date of the last actual reading of the meter, including all charges entered hereafter but which might include usage prior to the date of this policy.
14. Proof of payment of franchise tax on K.W.G. Realty Corp. from incorporation to date of closing is required. Report requested from State Tax Commission.
15. If the present transaction consists in whole or in part of a conveyance or lease by a corporate grantor or lessor we will require the written consent thereto by all of the holders of the outstanding shares of the said corporation and the instrument on closing should so recite.

In lieu thereof the consent of the holders of two-third of all of the outstanding shares entitled to vote thereon obtained at a meeting duly noticed and called for the purpose of obtaining such consent in the manner provided for in Section 605 of the Business Corporation Law is required and the instrument on closing should so recite.

SCHEDULE B - CONTINUED

In lieu thereof a recital in the deed of conveyance stating "This conveyance is made in the ordinary course of business and does not constitute all or substantially all of the assets of the Corporation"

If none of the above is obtained, then, the proofs showing the basis upon which the conveyance or lease is to be made must be submitted to counsel prior to closing.

16. Tax Sale Certificate in Liber 3248 cp 151.

17. The following judgment(s) to be considered and disposed of:

State Tax Commission

-vs-

The K.W.G. Realty Corp
60 Mill Street
Newburgh, N.Y. 12550

Amount: \$3,822.43

Dock.: 11/19/81

Attny: Dept. Tax Commission

Warrant issued under Article 22/23 of the Tax Law

18. 2 UCC-1's, as continued, to be considered and disposed of, see attached.

19. Highway Appropriation map #38 pg 47, #40 pg 50.

20. Tax map department computer indicates an unrecorded deed for that portion of the premises lying within the City of Newburgh limits, dated 2/7/92. Said deed must be recorded if said deed has been misplaced, a duplicate original must be acquired for recording PRIOR to closing.

SCHEDULE C

(FOR INFORMATION ONLY)

- . If a deed, presented to the Company for recording at closing, is dated prior to said closing date, the Company will use its best efforts to record the deed and its accompanying instruments promptly; however no liability is assumed for penalties and interest under Section 1416 of the New York State Tax Law due to the inability to file transfer tax returns or pay transfer taxes within the time requirements. Said penalties and/or interest will be charged against the grantor(s).
- . The date on the Deed in this transaction must be the same date as on the Equalization and Assessment form and the TP-584. This date must be the date of closing. If the Deed is signed and dated by the Transferors prior to the closing, duplicate original affidavits, signed by the Transferors, must be presented to the closer at the closing; to be forwarded to the Clerk's office with the Deed.

IF THIS TRANSACTION CONSISTS IN WHOLE OR IN PART OF AN ASSIGNMENT OF MORTGAGE, THEN THE FOLLOWING OBJECTION MAY APPLY:

- . In order to record an assignment of a mortgage, there must be set forth in the assignment document or attached thereto and recorded as part thereof a statement under oath signed by the mortgagor or any other party to the transaction having knowledge of the facts (provided he asserts such knowledge), that the assignee is not acting as a nominee of the mortgagor and that the mortgage continues to secure a bona fide obligation.

This requirement is not applicable to assignment of the type used between lenders which continues, at all times, to secure a bona fide debt, such assignment shall contain the statement: "This assignment is not subject to the requirements of Section 275 of the Real Property Law of the State of New York because it is an assignment within the secondary mortgage market."

- . All documents are to be signed in black ink only for recording purposes.

Title No. 951114

MORTGAGE SCHEDULE

MORTGAGOR: K.W.G. Realty Corporation

MORTGAGEE: Highland National Bank of Newburgh

Amount: \$200,000.00

Dated: 2/10/69

Recorded: 3/21/69

Liber 1528 Mp. 63

Participation Agreement recorded 3/21/69 in Liber 1816 cp 113.
Participation Agreement recorded 5/5/69 in Liber 1818 cp 1170.
Participation Agreement entered 7/24/69 recorded 5/22/69 in Liber 1820 cp 419.
Participation Agreement entered 7/24/69 & recorded 6/26/69 in Liber 1823 cp 610.
Participation Agreement recorded 7/31/69 in Liber 1826 cp 457.
Participation Agreement entered 8/28/69 and recorded 2/14/69 in Liber 1813 cp 1039.
Participation Agreement recorded 8/25/69 in Liber 1828 cp 224.
Participation Agreement recorded 9/30/69 in Liber 1831 cp 50.
Mortgage Agreement recorded 5/1/70 in Liber 1845 cp 394.
Participation Agreement recorded 5/4/70 in Liber 1845 cp 551.
Participation Agreement entered 11/5/70 recorded 2/28/69 in Liber 1814 cp 932.

These mortgage returns, unless the mortgage is to be insured will appear as exceptions from coverage. The information set forth herein is obtained from the recorded instrument. Sometimes, the provisions of a mortgage are modified by agreements which are not recorded. We suggest that you communicate with the mortgagee, if you desire any additional information. If there has been a change in the owners and holders of the mortgage, such information should be furnished to us promptly to enable further searches to be made.

PROPOSED SCHEDULE

FOR SCHEDULE

County: ORANGE
Street: Route 32
Section/Block/Lot: 9-1-23.1
Property Class Code: 431
Town: New Windsor
School District: Newburgh Enlarged City
Property Size: 10.40 Acres

ASSESSED VALUATION

LAND: \$119,000.00 **FULL:** \$391,600.00

ASSESSED TO: K.W.G. Realty Corp.

1995 STATE, COUNTY AND TOWN TAX: \$27,811.78 **PAID 1/26/95**

1994/95 SCHOOL TAX: \$20,728.17 **PAID 3/10/95**

3 Water Accounts: Also, as of June 1, 1995 all three will be billed for Sewer along with Water.

Water Charges: #DO5-5409-00 \$257.30 **PAID 3/25/95**
(covers 10/6/94 thru 1/10/95, new bill 6/1/95)

Water Charges: #DO5-5410-00 \$32.55 **PAID 3/29/95**
(covers 10/6/94 thru 1/10/95, new bill 6/1/95)

Water Charges: #DO5-5411-24 No Water yet, new bldg.

PAID WATER AND SEWER RECEIPTS TO BE PRODUCED AT CLOSING.

POLICY WILL EXCEPT ALL UNPAID WATER RATES AND/OR SEWER RENTS OR ASSESSMENTS IN THE ABSENCE OF PAID BILLS AND RECEIPTS TO BE PRESENTED AT CLOSING. DOES NOT INCLUDE ASSESSMENTS FOR ANY SPECIAL DISTRICT NOT A PART OF THE STATE AND COUNTY TAX ROLL.

EXCEPT WATER METER AND SEWER RENTAL CHARGES ACCRUING SINCE THE DATE OF THE LAST READING AND BUILDING PURPOSE OR UNFIXED WATER FRONTAGE CHARGES SUBSEQUENTLY ENTERED.

TAX SCHEDULE

County: Orange
Street: Temple Avenue
Section/Block/Lot: 50-1-8
Property Class Code: 311
City: Newburgh
School District: Newburgh Enlarged
Property Size: 188 X 432

ASSESSED VALUATION

LAND: \$2,000.00 **FULL:** \$2,000.00

ASSESSED TO: K.W.G. Realty Corp.

1995 STATE, COUNTY AND CITY TAX: \$83.24 BASE
1st Installment: \$27.76 **PAID 2/7/95**
2nd Installment: \$27.74 **PAID 5/9/95**
3rd Installment: \$27.74 **OPEN & DUE 7/11/95**

1994/95 SCHOOL TAX: \$56.80 **PAID IN FULL 3/10/95**

No Water and no sewer per City.

PAID WATER AND SEWER RECEIPTS TO BE PRODUCED AT CLOSING.

POLICY WILL EXCEPT ALL UNPAID WATER RATES AND/OR SEWER RENTS OR ASSESSMENTS IN THE ABSENCE OF PAID BILLS AND RECEIPTS TO BE PRESENTED AT CLOSING. DOES NOT INCLUDE ASSESSMENTS FOR ANY SPECIAL DISTRICT NOT A PART OF THE STATE AND COUNTY TAX ROLL.

EXCEPT WATER METER AND SEWER RENTAL CHARGES ACCRUING SINCE THE DATE OF THE LAST READING AND BUILDING PURPOSE OR UNFIXED WATER FRONTAGE CHARGES SUBSEQUENTLY ENTERED.

Title No. 951114

FOR INFORMATION ONLY

No state or municipal department searches for notices of violations of laws, regulations and ordinances filed therein and no searches for certificate of occupancy, building or other permits or licenses are made unless specifically requested by the applicant. If requested, they are made by the particular municipal department and are called "Record Search"; they disclose only those violations reported by the last inspection made by the department and do not show the present condition, which can be ascertained only requesting a new inspection and paying the fee therefore. Such searches are not continued to date of closing nor are new searches made even in event of adjournment of closing. All searches specifically requested, are made at an additional charge to the applicant.

This Company does not, in any event, insure that the buildings or other erections upon the premises or their use comply with Federal, State and Municipal laws, regulations and ordinances, and therefore assumes no liability whatsoever by reason of the ordering of such searches and does not insure their accuracy. The following information has been furnished by the various department.

Search made by Department of Buildings:

See Attached

Search made by Building Department: City of Newburgh & Town of New Windsor

Temple Avenue is a dedicated road and municipally maintained. Route 32 is maintained by the State of New York.

BUILDING INSPECTION
22 GRAND STREET

PHONE: 565-3202

TO: Kar-Vin Abstract
273 Quassaick Ave
New Windsor, New York 12553

RE: 000 Temple Ave. 951114

DATE: April 12, 1995

The information you requested for the above referenced property is contained herein:

_____ Copy of Certificate of Occupancy

XXXX

No copy of Certificate of Occupancy is required since building dates prior to requirement.

_____ Street is maintained by the City of Newburgh.

_____ Street is Private Road maintained by the owner

_____ Flood Plain Report - From Engineers Office (forthcoming)

XXXX

_____ No Outstanding Violations on File At Present.

_____ Outstanding Violations on File

James V. Morrill
James V. Morrill,
Building Inspector

JVM/mh

1763

KAR-VIN ABSTRACT CORP.
273 QUABBAICK AVENUE
NEW WINDBOR, N.Y. 12553

PROPERTY ASSESSED TO: K.W.O. REALTY CORP.
ROUTE 32
NEW WINDBOR, NY 12553
SECTION 7, BLOCK 1, LOT 23.1

DEAR SIR:

PLEASE FIND ENCLOSED A COPY OF THE CERTIFICATE OF OCCUPANCY #82
ISSUED MAY 25, 1987 FOR THE ABOVE REFERENCED STRUCTURE.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS
AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE
NO VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION
WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS
LETTER. THE TOWN OF NEW WINDBOR DOES NOT REPRESENT THAT THERE
ARE NO VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL
REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY VIOLATIONS AT THE
SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN
INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR
DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER
PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR
TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE
INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF
COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED
AND IS IN OPERATION.

VERY TRULY YOURS,

Michael Babcock
MICHAEL BABCOCK
BUILDING INSPECTOR

MB:ldm

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

BUILDING DEPARTMENT

Building Permit No 4362

Location: RTE. 32 W/B

Map No 334800

Section 7

Block 1

Lot 23.1

CERTIFICATE OF OCCUPANCY

CO No 89-82

CO DATE 5/25/89

THIS CERTIFIES that the structure described herein, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated 10/7/88, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows:

Material: WOOD FRAME	Number of Stories: 1.0	Number of Facilities: 0
Dimensions of Building: SEE PLANS	Dimensions of Lot: SEE PLANS	
Use of Building: NEW BLDB.	Number of Bedrooms: 0	
Number of Toilets: 0	Number of Bathrooms: 0.0	
Heating Plants: GAS/HOT AIR		
Remarks: PERMIT ISSUED FOR CONSTRUCTION OF NEW BUILDING		

This certificate is issued to: GALLAGHER TRANSPORTATION SERVICE
for the aforesaid structure.


Building Inspector

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction is in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy).

Flood Certification Specialists
Niagara Office Building
345 Third Street, Suite 460
Niagara Falls, New York 14303-1117
(800)724-8757 FAX: (800)724-0814

CERTIFICATION TO:

KAR-VIN ABSTRACT CORP.

273 QUAGGALCK AVENUE

NEW WINDSOR, NY 12553

Contact **LYNNE**

Date Ordered **4-7-95**

UFCL # **309**

Fax # **(914) 565-8737**

Phone # **(914) 562-2622**

SUBJECT PROPERTY

Lender File No. **951114**

Applicant Name **W.G. REALTY CORP.**

Present Owner

Property Address **ROUTE 32**

NEW WINDSOR, NY

Zip

12553

Town/City/Village **NEW WINDSOR, TOWN OF**

Borough

County **CHANCE COUNTY**

State

New York

Tax Map No.

Section **9**

Block **1**

Lot **23.1**

District (SUFFOLK ONLY)

Subdivision Name

Condo Name

Condo Unit No.

COMMENTS

1. This certification runs to the benefit of the lending institution shown herein, the applicant and all other parties in interest.
2. This certification is as of the date stamped herein and is based upon an examination, in accordance with applicable regulations, of the current Flood Hazard Area maps published by the Federal Insurance Administration.
3. This certification is intended for the purpose of compliance by the lending institution with the Flood Disaster Protection Act of 1973 and does not constitute any opinion on the part of UFCL Flood Certification Specialists as to the advisability of securing flood insurance for the property described herein.
4. **NOTICE:** This certification is based upon the applicant's identification herein of the property by its tax identifier.
5. This certification is not valid unless signed by an authorized representative of UFCL Flood Certification Specialists.

CERTIFICATION

We certify that the Subject Property is

PARTIALLY IN TOTALLY IN ☒ TOTALLY OUT

of a Special Flood Hazard Area as identified by the Federal Insurance Administration.

We further certify that the subject property is in a community that ☒ IS ☐ IS NOT participating in the National Flood Insurance Program.

If the subject property is PARTIALLY IN or TOTALLY IN a Special Flood Hazard Area and if the subject property is located in a community participating in the NFIP, we further certify that the community is in the

REGULAR EMERGENCY phase of the NFIP

Community #
380628

Map Panel #
0010

Suffix
B

Flood Zone
O

Map Panel Date
12/15/78

Base Flood Elevation

Regulator Program Entry Date
12/15/78

UFCL Case Number

309

84898

Date **4/10/95**

[Signature]

Authorized Signature

● Basic ○ Life of Loan
CERTIFICATION

FLOOD CERTIFICATION SPECIALISTS
Niagara Office Building
345 Third Street, Suite 460
Niagara Falls, New York 14303-1117
(800)724-8757 FAX: (800)724-0814

CERTIFICATION TO:

KAR-VIN ABSTRACT CORP.
273 QUASSALCK AVENUE
NEW WINDSOR, NY 12553

Contact **LYNNE**

Date Ordered **4-7-95** UFI # **309**

Fax # **(914) 585-8737** Phone # **(914) 582-2822**

SUBJECT PROPERTY

Lender File No. **951114**

Applicant Name **K.W.G. REALTY CORP.**

Present Owner

Street Address **TEMPLE AVE.**

NEWBURGH, NY Zip

Town/City/Village **NEWBURGH, CITY OF**

Borough

County **ORANGE COUNTY** State **New York**

Tax Map No.

Section **50** Block **1** Lot **8**

District (SUFFOLK ONLY)

Subdivision Name

Condo Name

Condo Unit No.

COMMENTS

AMENDED 04-11-95

- TERMS & CONDITIONS**
1. This certification runs to the benefit of the lending institution shown hereon, the applicant and all other parties in interest.
 2. This certification is as of the date stamped hereon and is based upon an examination, in accordance with applicable regulations, of the current Flood Hazard Area maps published by the Federal Insurance Administration.
 3. This certification is intended for the purpose of compliance by the lending institution with the Flood Disaster Protection Act of 1973 and does not constitute any opinion on the part of UFI Flood Certification Specialists as to the advisability of securing flood insurance for the property described herein.
 4. **NOTICE:** This certification is based upon the applicant's identification herein of the property by its tax identifiers.
 5. This certification is not valid unless signed by an authorized representative of UFI Flood Certification Specialists.

CERTIFICATION

We certify that the Subject Property is

PARTIALLY IN **TOTALLY IN** **X** **TOTALLY OUT**

of a Special Flood Hazard Area as identified by the Federal Insurance Administration.

We further certify that the subject property is in a community that **X** IS IS NOT participating in the National Flood Insurance Program.

If the subject property is **PARTIALLY IN** or **TOTALLY IN** a Special Flood Hazard Area and IF the subject property is located in a community participating in the NFIP, we further certify that the community is in the

REGULAR **EMERGENCY** phase of the NFIP

Community #
360628

Map Panel #
0004

Suffix
B

Flood Zone
C

Map Panel Date
06/05/85

Base Flood
Elevation

Regular Program
Entry Date
06/05/85

UFI Case Number

309 - **84899**

Date

4/10/95

Authorized Signature

**Basic Life of Loan
CERTIFICATION**

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

95-25
Date: 7/7/95

I. ✓ Applicant Information:

- (a) K.W.G. Realty Corp., 24 Windsor Highway, New Windsor, NY
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
☐ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) C 24 Windsor Highway 9,1,23.1 11.36 Acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1960
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes
If so, when? 1988
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Vehicles are stored outside.
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

^{N/A}
(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: ^{N/A}

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18, ~~Table of~~ 18 Regs., Col. H.

Supp. Sign Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>Freestanding</u>	<u>1</u>	<u>1</u>
Sign 2	<u>Facade</u>	<u>3</u>	<u>2</u>
Sign 3	<u>Facade Size</u>	<u>3.5'X10'</u>	<u>1.5ft.X6'8"</u>
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

✓ (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(1) Freestanding sign - 15'high X 6' wide - necessary to direct traffic to S.G. Kimball which is located 500' from Rt. 32.

(3) "Machine Shop Service" and "Automotive Parts" in 15" high letters. Also S.G. Kimball 5' high X 16'8".

(c) ✓ What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?
344 square feet

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

As part of the construction project for the new S.G. Kimball building, a new roadway was created. The roadway is defined by an 8' wide curbed landscaped area on both sides. Landscaping includes spreading junipers and sand cherry trees. This roadway also has overhead lighting.

✓IX. Attachments required:

- X Copy of referral from Bldg./Zoning Insp. or Planning Bd.
X Copy of tax map showing adjacent properties.
N/A Copy of contract of sale, lease or franchise agreement.
X Copy of deed and title policy.
X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
X Copy(ies) of sign(s) with dimensions and location.
Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
Photographs of existing premises from several angles.

X. Affidavit.

Date: 2/7/95.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

F. X. Lee
(Applicant)

Sworn to before me this

27th day of July, 1995.
Patricia C. Barnhart
 XT- ZBA Action

XI. ZBA Action:

(a) Public Hearing date: _____ Commission Expires _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1995.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)